

§ 90-113.74D. Dispenser use of controlled substances reporting system.

(a) Prior to dispensing a targeted controlled substance, a dispenser shall review the information in the controlled substances reporting system pertaining to the patient for the preceding 12-month period and document this review under any of the following circumstances:

- (1) The dispenser has a reasonable belief that the ultimate user may be seeking a targeted controlled substance for any reason other than the treatment of the ultimate user's existing medical condition.
- (2) The prescriber is located outside of the usual geographic area served by the dispenser.
- (3) The ultimate user resides outside of the usual geographic area served by the dispenser.
- (4) The ultimate user pays for the prescription with cash when the patient has prescription insurance on file with the dispenser.
- (5) The ultimate user demonstrates potential misuse of a controlled substance by any one or more of the following:
 - a. Over-utilization of the controlled substance.
 - b. Requests for early refills.
 - c. Utilization of multiple prescribers.
 - d. An appearance of being overly sedated or intoxicated upon presenting a prescription.
 - e. A request by an unfamiliar ultimate user for an opioid drug by a specific name, street name, color, or identifying marks.

(b) If a dispenser has reason to believe a prescription for a targeted controlled substance is fraudulent or duplicative, the dispenser shall withhold delivery of the prescription until the dispenser is able to contact the prescriber and verify that the prescription is medically appropriate.

(c) A dispenser shall be immune from any civil or criminal liability for actions authorized by this section. Failure to review the system in accordance with subsection (a) of this section shall not constitute medical negligence. (2017-74, s. 12.)